

225.000

48 CFR Ch. 2 (10-1-98 Edition)

225.7308 Contract clauses.

Subpart 225.74—Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States

225.7400 Scope of subpart.

225.7401 General.

225.7402 Contract clause.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36367, July 31, 1991, unless otherwise noted.

225.000 Scope of part.

This part also provides policy and procedures for—

(1) Purchasing foreign defense supplies, services, and construction materials;

(2) Foreign military sale acquisitions;

(3) Coordinating acquisitions involving work to be performed in foreign countries;

(4) Cooperative programs.

225.000-70 Definitions.

As used in this part—

(a) *Defense equipment* means any equipment, item of supply, component, or end product purchased by the DoD.

(b) *Domestic concern* means a concern incorporated in the United States or an unincorporated concern having its principal place of business in the United States.

(c) *Domestic end product* has the meaning given in the clauses at 252.225-7001, Buy American Act and Balance of Payments Program; 252.225-7007, Buy American Act—Trade Agreements—Balance of Payments Program; and 252.225-7036, Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program, instead of the meaning in FAR 25.101.

(d) *Foreign concern* means any concern other than a domestic concern.

(e) *Nondesignated country end product* means any end product which is not a U.S. made end product or a designated country end product.

(f) *Nonqualifying country* means a country other than the United States or a qualifying country.

(g) *Nonqualifying country end product* means an end product which is neither

a domestic nor qualifying country end product.

(h) *Nonqualifying country offer* means an offer of a nonqualifying country end product, including the price of transportation to destination.

(i) *Qualifying country* is a term used to describe certain countries with memoranda of understanding or international agreements with the United States. These countries are listed in 225.872-1.

(j) *Qualifying country component* and *qualifying country end product* are defined in the clauses at 252.225-7001, Buy American Act and Balance of Payments Program; 252.225-7007, Buy American Act—Trade Agreements—Balance of Payments Program; and 252.225-7036, Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program. “Qualifying country end product” is also defined in the clause at 252.225-7021, Trade Agreements.

(k) *Qualifying country offer* means an offer of a qualifying country end product, including the price of transportation to destination.

(l) *Source*, when restricted by such words as foreign, domestic, qualifying country, etc., refers to the actual manufacturer or producer of the end product or component.

(m) *U.S. made end product* is defined in the clause at 252.225-7007, Buy American Act—Trade Agreements—Balance of Payments Program and; 252.225-7021, Trade Agreements.

[56 FR 36367, July 31, 1991, as amended at 59 FR 1289, Jan. 10, 1994; 63 FR 11531, Mar. 9, 1998]

225.000-71 General guidelines.

To apply the policies and procedures of this part, analyze and evaluate offers of foreign end products generally as follows—

(a) *Statutory or policy restrictions.* (1) Determine whether the product is restricted by—

(i) Defense authorization or appropriations acts (see Subpart 225.70); or

(ii) DoD policy (see subpart 225.71 and FAR 6.302-3).

(2) Where an exception to or waiver of a restriction would result in award